

# House Study Bill 307

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
WAYS AND MEANS BILL BY  
CHAIRPERSON SHOMSHOR)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the movement and health of swine by providing  
2 for the taking of estray swine, the registration of game  
3 swine, the imposition of fees, and by providing for penalties  
4 and an effective date.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
6 TLSB 2900HC 82  
7 da/es/88

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1 1 Section 1. Section 163.2, Code 2007, is amended by adding  
1 2 the following new subsections:  
1 3 NEW SUBSECTION. 2A. "Custody or control" means to keep an  
1 4 animal in an enclosed or confined location, in a manner that  
1 5 prevents the release or escape of the animal from the location  
1 6 including but not limited to keeping the animal for breeding,  
1 7 growing, movement, or harvesting.  
1 8 NEW SUBSECTION. 3A. "Estray" means not to be in the  
1 9 custody or control of a person.  
1 10 NEW SUBSECTION. 3B. "Game swine" means the same as  
1 11 defined in section 171.1.  
1 12 Sec. 2. Section 163.30, subsection 5, unnumbered paragraph  
1 13 1, Code 2007, is amended to read as follows:  
1 14 All swine moved shall be accompanied by a certificate of  
1 15 veterinary inspection issued by the state of origin and  
1 16 prepared and signed by a veterinarian. The certificate shall  
1 17 show the point of origin, the point of destination, individual  
1 18 identification, immunization status, and, when required, any  
1 19 movement permit number assigned to the shipment by the  
1 20 department. The certificate of veterinary inspection shall  
1 21 state whether the swine are game swine, and shall provide any  
1 22 registration information as required by section 171.4. All  
1 23 such movement of swine shall be completed within seventy-two  
1 24 hours unless an extension of time for movement is granted by  
1 25 the department.  
1 26 Sec. 3. NEW SECTION. 163.32 ESTRAY SWINE.  
1 27 1. a. Except as provided in subsection 2, a person shall  
1 28 not take swine which is estray in this state, by capture,  
1 29 wounding, or killing the swine.  
1 30 b. A person who captures swine which is estray in another  
1 31 state shall not move that swine into this state.  
1 32 2. The department, or the department in cooperation with  
1 33 the department of natural resources, or a person authorized by  
1 34 the department of agriculture and land stewardship may take  
1 35 swine which is estray in this state, by capture, wounding, or  
2 1 killing the swine.  
2 2 Sec. 4. NEW SECTION. 163.61A PENALTY AND DISCIPLINARY  
2 3 ACTION FOR TAKING ESTRAY SWINE.  
2 4 1. A person who violates section 163.32 is guilty of an  
2 5 aggravated misdemeanor. A person is guilty of a separate  
2 6 offense for each swine which is the subject of the violation.  
2 7 2. Upon a person's conviction for violating section  
2 8 163.32, the sentencing court may, as part of the judgment,  
2 9 revoke or suspend a license issued pursuant to chapter 481A or  
2 10 483A for a definite period of time.  
2 11 Sec. 5. NEW SECTION. 171.1 DEFINITIONS.  
2 12 As used in this chapter, unless the context otherwise  
2 13 requires:  
2 14 1. "Custody or control" means the same as defined in  
2 15 section 163.2.  
2 16 2. "Department" means the department of agriculture and

2 17 land stewardship.

2 18 3. "Game swine" means swine that are classified as part of  
2 19 the species sus scrofa linnaeus which may be commonly known as  
2 20 Russian boar or European boar of either sex.

2 21 4. "Swine" means an animal belonging to the order  
2 22 artiodactyla, and classified as part of the family suidae.

2 23 Sec. 6. NEW SECTION. 171.2 RULES.

2 24 The department may adopt rules pursuant to chapter 17A as  
2 25 necessary to administer this chapter.

2 26 Sec. 7. NEW SECTION. 171.3 IDENTIFICATION.

2 27 A person who has custody or control of game swine shall  
2 28 identify the game swine as required by the department. Game  
2 29 swine shall at least be identified with a numbered metal ear  
2 30 tag affixed to the game swine or other method such as  
2 31 installing an electronic device onto or beneath the hide of  
2 32 the game swine as prescribed by the department. The game  
2 33 swine must be identified within ten days following the  
2 34 person's acquisition of the game swine, including acquisition  
2 35 by transfer or birth.

3 1 Sec. 8. NEW SECTION. 171.4 GAME SWINE REGISTRATION  
3 2 SYSTEM.

3 3 The department of agriculture and land stewardship shall  
3 4 establish a game swine registration system, in cooperation  
3 5 with the department of natural resources.

3 6 1. A person who has custody or control of a game swine  
3 7 shall register the game swine within ten days following the  
3 8 person's acquisition of the game swine, including acquisition  
3 9 by transfer or birth.

3 10 2. The person required to register game swine as provided  
3 11 in this section shall provide information required by the  
3 12 department which shall at least include all of the following:

3 13 a. The number, age, and description of the game swine,  
3 14 including its identification number as provided in section  
3 15 171.3.

3 16 b. The location where the person maintains custody or  
3 17 control of the game swine.

3 18 c. The purpose of the person in maintaining custody or  
3 19 control of the game swine.

3 20 d. Whether the person has been issued a hunting preserve  
3 21 operator's license as required in chapter 484B.

3 22 3. The department shall to every extent feasible provide  
3 23 for registration using the internet, including programming,  
3 24 necessary to ensure the convenience, completeness, and  
3 25 accuracy of the registrations.

3 26 Sec. 9. NEW SECTION. 171.5 GAME SWINE REGISTRATION FEE.

3 27 A person required to register game swine as provided in  
3 28 section 171.4 shall remit a registration fee to the  
3 29 department. The amount of the registration fee shall not  
3 30 exceed one dollar. The moneys collected by the department  
3 31 under this section shall be retained as repayment receipts by  
3 32 the department exclusively to offset the costs of providing  
3 33 for registrations pursuant to section 171.4.

3 34 Sec. 10. NEW SECTION. 171.6 HEALTH REQUIREMENTS.

3 35 Game swine shall be free of an infectious or contagious  
4 1 disease as defined in section 163.2. The department shall  
4 2 regulate game swine as any other swine for purposes of  
4 3 preventing, suppressing, and eradicating an infectious or  
4 4 contagious disease afflicting swine within the state.

4 5 Sec. 11. NEW SECTION. 171.7 PENALTY.

4 6 A person who violates section 171.3 or 171.4 is subject to  
4 7 a civil penalty of not more than one hundred dollars. Penalty  
4 8 moneys shall be deposited into the general fund of the state.

4 9 Sec. 12. Section 484B.1, Code 2007, is amended by adding  
4 10 the following new subsection:

4 11 NEW SUBSECTION. 4A. "Game swine" means the same as  
4 12 defined in section 171.1.

4 13 Sec. 13. NEW SECTION. 484B.12A HEALTH AND MOVEMENT  
4 14 REQUIREMENTS == GAME SWINE.

4 15 1. All game swine which are purchased, propagated,  
4 16 confined, released, or sold by a hunting preserve required to  
4 17 be licensed under this chapter shall be free of diseases  
4 18 considered significant for wildlife, poultry, or livestock.  
4 19 The department of agriculture and land stewardship shall  
4 20 provide for the regulation of game swine as any other swine  
4 21 for purposes of preventing, suppressing, and eradicating an  
4 22 infectious or contagious disease afflicting swine within the  
4 23 state.

4 24 2. Game swine that are purchased, propagated, confined, or  
4 25 sold by a hunting preserve shall only be moved in accordance  
4 26 with rules adopted or orders issued by the department of  
4 27 agriculture and land stewardship.

4 28 Sec. 14. IDENTIFICATION AND REGISTRATION == COMPLIANCE  
4 29 PERIOD. Notwithstanding sections 171.3 and 171.4, a person  
4 30 required to identify game swine and register game swine shall  
4 31 have until September 1, 2007, to comply with those sections.

4 32 Sec. 15. EFFECTIVE DATE. This Act, being deemed of  
4 33 immediate importance, takes effect upon enactment.

4 34 EXPLANATION

4 35 GENERAL. This bill provides for the regulation of swine  
5 1 including estray swine and game swine.

5 2 ESTRAY SWINE. The bill amends Code chapter 163 which in  
5 3 part regulates the health of swine. The bill prohibits a  
5 4 person other than the department of agriculture and land  
5 5 stewardship or a person acting in cooperation with the  
5 6 department from taking swine estray in this state by capture,  
5 7 wounding, or killing the swine. It also prohibits a person  
5 8 who captures estray swine in another state from moving the  
5 9 swine into this state. A person who violates the provision is  
5 10 guilty of an aggravated misdemeanor. An aggravated  
5 11 misdemeanor is punishable by confinement for not more than two  
5 12 years and a fine of at least \$625 but not more than \$6,250.  
5 13 Upon conviction, the sentencing court may also revoke or  
5 14 suspend licenses associated with taking or managing wildlife  
5 15 including fishing and hunting licenses.

5 16 GAME SWINE. The bill establishes a new Code chapter 171  
5 17 which provides for the regulation of swine classified as game  
5 18 swine (classified as part of the species *sus scrofa linnaeus*)  
5 19 commonly referred to as a Russian boar or European boar. The  
5 20 bill requires game swine to be identified (e.g., by an ear  
5 21 tag) and establishes a game swine registration system  
5 22 administered by the department of agriculture and land  
5 23 stewardship. A person registering the game swine must remit a  
5 24 registration fee to the department. The bill grants  
5 25 jurisdiction to the department of agriculture and land  
5 26 stewardship to regulate the movement and health of game swine,  
5 27 including game swine which are part of a hunting preserve  
5 28 otherwise regulated by the department of natural resources. A  
5 29 person who violates the movement and health requirements is  
5 30 subject to a civil penalty of not more than \$100. Under  
5 31 section 484B.14, a person who violates provisions regulating  
5 32 hunting preserves is guilty of a simple misdemeanor. A simple  
5 33 misdemeanor is punishable by confinement for no more than 30  
5 34 days or a fine of at least \$65 but not more than \$625 or by  
5 35 both.

6 1 EFFECTIVE DATE. The bill takes effect upon enactment.

6 2 LSB 2900HC 82

6 3 da:rj/es/88